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74th plenary meeting
Wednesday, 10 D[illegible] 2003, 3 p.m.
New York

President: Mr. Hunte ..... (St. Lucia)

The meeting was called to order at 3.05 p.m.

Agenda item 48 ***(continued)***

Fifty-fifth anniversary of the Universal Declaration of Human Rights

Award of human rights prizes in 2003

Agenda item 117 ***(continued)***

Human rights questions

(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action; Tenth anniversary of the adoption of the Vienna Declaration and Programme of Action

The President: The General Assembly will continue the commemorative meetings under agenda items 48 and 117 (d).

Mr. Tekle (Eritrea): On 10 December 55 years ago — a day that has since been celebrated as Human Rights Day — the United Nations General Assembly adopted the Universal Declaration of Human Rights. In the early days, not much attention was being paid to human rights, even by those who were regarded as the moral leaders of their communities and nations. Today, the Universal Declaration of Human Rights and subsequent international human rights instruments have become an inspiration to the vast majority of humanity, including, in particular, the marginalized and the vulnerable, and a potent force in world affairs.

Indeed, the Universal Declaration of Human Rights has become an inspirational source for numerous covenants, conventions, protocols, declarations and programmes of action. Among them, the Vienna Declaration and Programme of Action, which was adopted 10 years ago, on 25 June 1993, emphasizes and affirms the universality, indivisibility, interdependence and interrelatedness of human rights.

The Vienna Declaration and Programme of Action has also established guidelines for the creation of a global culture of human rights and the achievement of the lofty ideals and goals of, and the observance of the norms and standards set by, the Universal Declaration of Human Rights. It is our fervent hope that the momentum, seen particularly in the past two decades, will be maintained in the struggle to consolidate existing rights and to promote new rights in the age of globalization.

The successes of the past 55 years were achieved through the immense sacrifices made by women and men of many nations, religions and cultures during the major part of a century noted for violence and hatred. During the same 55 years that saw the codification of the magnificent human rights instruments, the world has also been ravaged by horrific wars and conflicts in almost all of the continents and by outrageous violations of human rights, including genocide, massive deportations and ethnic cleansing, racial discrimination, religious and ethnic persecution, as

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well as egregious violence against women, children and minorities. Child labour and the use of children in war were also rampant.

Thus, as we celebrate Human Rights Day, it becomes entirely appropriate to pay tribute to the heroes and martyrs of human rights, whose dedication to the cause made them endure much pain and humiliation. Some have even paid with their lives. They come from all walks of life. Some were heads of State or Government; others were religious leaders; still others were intellectuals. Some were leaders of liberation movements; others were leaders of labour movements. Some worked with international governmental organizations and non-governmental organizations, while others worked with student and youth movements. A significant group conducted spontaneous movements.

The various movements that were active during 1950-1990 and their courageous leaders have managed to etch on the collective mind of humanity a certain consciousness of the human rights and civil liberties that have been denied to many in the world. They also demonstrated that laws and institutions become meaningless in the absence of the vigilance and, in some circumstances, the militant agitation of an informed constituency.

On the other hand, it must unfortunately be observed that those States and institutions that were entrusted with the mandate of creating a kinder and gentler world, the maintenance of a just world order and the promotion, protection and consolidation of human rights in keeping with the promises of the United Nations Charter and the Universal Declaration of Human Rights, have often failed the world miserably. No human logic can explain inaction in Cambodia and Rwanda and other places where genocide, ethnic cleansing, aggression and other gross violations of human rights took place. Only disinterest in certain regions, diffidence among allies and friendly States and political trade-offs in the United Nations can provide an explanation.

Eritreans speak from bitter first-hand experience of such extreme cases of human rights violations. In 1950 they were denied the right to self-determination when they were forcibly dragooned into a federation with Ethiopia. In 1961, they were denied their right to their own identity when Emperor Haile Selassie's Government annulled the federation, whose continued existence was guaranteed by a United Nations resolution. Not a word of protest was heard at the United Nations or from any foreign ministry.

Eritreans now fear that they may again be in the process of being defrauded of their sovereignty and territorial integrity and of sovereignty over their natural resources, owing to the unfair and unjust insistence of some States that the conflicting parties in our boundary dispute enter into a dialogue before demarcation, the intent and purposes of which, Eritreans firmly believe, are to subvert the final and binding decision of an Arbitration Commission sanctioned by the United Nations, which would violate the treaty agreements signed under the auspices of the United Nations.

The Government and people of Eritrea have always been, and continue to be, ready to enter into a dialogue, but only after they secure an internationally recognized border based on the final and binding decisions of the Arbitration Commission. Indeed, dialogue to normalize future relations would have started by now if demarcation had not been postponed three times.

Having been duped twice before in their history, the people of Eritrea view any such dialogue before demarcation as a manoeuvre to appease Ethiopia — which has rejected the Commission's decision — and to accede to Ethiopia's demand that an alternative mechanism be created by the Security Council to reconsider the issue. That would be a miscarriage of justice and the United Nations, as a signatory and a guarantor of the agreements would be in a position of violating international law and rewarding lawlessness. That would also be an ominous lesson to all small States, which pin their faith and hope on the United Nations. History is replete with examples that show that appeasement invariably leads to conflict and human rights violations. Eritreans were prepared to forget the past; and they shall, unless the present threatens their future.

Even now, the world faces numerous challenges for which we must find satisfactory solutions. Among those are the questions of sovereignty and human rights, relativism and human rights, and transnational corporations and human rights. Those issues have been with us for enough time to warrant a detailed commentary. Yet, they continue to cry for solutions and the international community needs to address them as

urgently as possible, if only because, in the absence of clear guidelines, some States have recently pursued polices with disastrous results in international relations.

Tension also exists between first- and second-generation rights, in spite of the fact that the Vienna Declaration and Programme of Action recognizes that all human rights are universal, indivisible, interdependent and interrelated. However, there is increasing sympathy with the view that, for the multitudes in the third world who are deprived of food, shelter, medicine, education and the other necessities of survival, and suffer from the ravages of conflict, exclusion, discrimination and repression, the choice is irrelevant. What matters in their lives is human security broadly defined. To that end, numerous academics and activists are now focusing on a new generation of rights called development rights. Those third-generation or solidarity rights are international in content, emphasize solidarity and include, inter alia, the rights to peace, development, self-determination, sovereignty over national resources and environment. Those rights are duly emphasized in many regional instruments, including the African Charter on Human and Peoples' Rights.

At the dawn of the twenty-first century, humanity is forced to confront the threat to human rights posed by globalization. The instability caused by transnational corporations, the negative impact of structural adjustment programmes, the capricious movement of financial capital, the erosion of State power, environmental degradation, refugee crises, the transnational narcotics trade and trafficking in women are all having devastating effects not only on developing States but also on some developed States.

It is in fact becoming increasingly evident that globalization has been detrimental to social and economic protections and is threatening human rights. Thus, the argument that a tension exists between western and non-western values and between individual and communal values is not valid. Globalization is a threat to social welfare and community cohesion in each case.

As it engages the new century, humanity must also take stock of the successes and failures of the past century, and of the good decisions and mistakes made, if only to learn lessons therefrom and draw appropriate guidelines. Among those elements are the fervent and universal yearning of the people of the world for peace. In some regions, peace may be equated with the elimination of the threat of nuclear war. To many — the vast majority of humanity — peace is related to survival, justice, fair play and the rule of law. The achievement of security — human security — is identified with development, health, education, shelter, the eradication of poverty and repression and the prevention of environmental degradation. The concepts of globality, common fate and interdependence promote the need for all peoples to participate equally and actively in the creation of a better world, to protect human rights and to advance the causes of peace and the public good and equality worldwide. There exists an urgency for a global human rights culture which would foster a stable development for all nations and advance equality of life for all people. There is a need to remember that humanity has yet to emerge victorious in the struggle for human rights, indeed, the future of the United Nations itself does not seem irreversible.

We must learn from the fate of the League of Nations that the future of human rights — determinant factors to the survival of the United Nations — is predicated on the upholding of the principle of equality of all nations, big and small, and the promotion and protection of the human rights of all people, rich or poor.

There is a prerequisite that those who have been bestowed with leadership roles in the United Nations must lead by example and with impartially if they are truly to promote and protect human rights worldwide — and if those who have tied their fate to the United Nations are to respect and trust it. There is an imperative need to listen to other voices. Civil Society has a significant role to play in the promotion and protection of human rights and we must therefore listen to the people through their legitimate organizations. A generation which does not listen to its youth makes the terrible mistake of ignoring the future.

When we look to the future, we recognize the inevitability of the continuation of the epic war between good and evil in the struggle for human rights. Triumphs and celebrations will be followed by failures and gloom. Cynicism and deal-making in the councils of power will, even if temporarily, undermine goodwill and cooperation for mutual benefit. Yet, the history of the past 55 years gives us enough cause to be optimistic that humanity will unite to eradicate the

scourges that have so far caused us much pain and anguish. Happy holidays.

Mr. Diab (Lebanon): Fifty-five years ago today, on 10 December 1948, the United Nations General Assembly adopted the first comprehensive agreement among nations asserting the specific rights and freedoms of all human beings. Along with the United Nations Charter, the Universal Declaration of Human Rights has provided the moral and legal basis for United Nations action against violators of human rights.

On this day, Human Rights Day, we reaffirm our faith and commitment to the principles enshrined in the Universal Declaration of Human Rights by recognizing the outstanding achievements of the men and women and organizations who have strived to defend victims of human rights violations.

We congratulate those who have been chosen today to receive the 2003 United Nations prizes in the field of human rights, and we thank them for their contributions, enthusiasm and humanitarian conviction in promoting human rights. They, like the diverse group of people that were involved in the drafting of the Universal Declaration of Human Rights, have transcended national, social and cultural boundaries and recognized the universal standard of the rights enumerated in the Universal Declaration of Human Rights — rights that are necessary for every person in the realization of his or her full potential as a human being.

The Universal Declaration of Human Rights is the refuge for the weak and the vulnerable. New democracies have consistently embraced the principles of the Universal Declaration of Human Rights as they emerge from under the weight of dictatorships and gain independence from colonial Powers.

The people living under occupation relentlessly point to the Universal Declaration of Human Rights as a primary source of inspiration in their own struggle for self-determination, sovereignty and independence from the occupying Power. And while walls are being erected to divide and annex other people's land, in the name of security for the occupier, the Universal Declaration of Human Rights reminds us that it not only recognizes the inalienable rights and fundamental freedoms of the individual human being, but it also recognizes that human beings live in community with one another, and that this community is vital to the complete human being. As such, adherence to the principles of the Universal Declaration of Human Rights has become a moral prerequisite for full participation in the community of nations.

Unfortunately, the challenges that the Universal Declaration of Human Rights addressed in 1948 are still very much present in our world today. Governments continue to torture and murder individuals because of their beliefs, their ethnicity, their opinions or their struggle for freedom. Governments still deprive millions of people of their fundamental rights to food, shelter, education, property and freedom, and they justify their oppressive measures to undermine basic human rights for their own self-interests.

One year ago, on this same occasion of Human Rights Day, Mr. Sergio Vieira de Mello, the third High Commissioner for Human Rights, said in commemoration of the fifty-fourth anniversary of the Universal Declaration of Human Rights,

> "The best chance for preventing, limiting, solving and recovering from conflict and violence lies in the restoration and defence of the rule of law. Armed conflict stands as a bloody monument to the failure of the rule of law. We must break the cycle of violence. Where armed repression strips people of their rights and dignity, let those responsible answer under the rule of law. Where terrorism inflicts misery, let those responsible answer under the rule of law. Let the fundamental rules of human rights and human dignity apply to every State and every armed group, every individual and every collective, every public entity and every private corporation."

Today, as we mourn the loss of Mr. Vieira de Mello, and as we recognize his great achievements in the field of human rights, his words remain with us as a constant reminder that there is an everlasting need for a proper tool to uphold the rule of law and make it prevail. In this manner, the perpetrators of violations of human rights would be brought to justice, and the human rights violations reported by independent bodies, such as the Office of the High Commissioner for Human Rights would be taken seriously and rectified.

Based upon the conviction that Governments have an obligation to protect the human rights proclaimed by the Universal Declaration of Human

Rights, the United Nations has created a number of mechanisms and procedures to influence the conduct of Governments that violate those rights. This year, the 2003 Award of the United Nations prize in the field of human rights has particular significance on the United Nations calendar, because, in addition to marking the fifty-fifth anniversary of the Universal Declaration of Human Rights, the year 2003 is also the tenth anniversary of the World Conference on Human Rights, which adopted the Vienna Declaration and Programme of Action. It is also the tenth anniversary of the establishment of the position of the United Nations High Commissioner for Human Rights and the tenth anniversary of the adoption of the Paris Principles on national human rights institutions. These three landmark events not only contributed to the creation of new mechanisms and procedures for the protection of human rights at the national and international levels, but also reaffirmed the universality, interdependence and central role of all human rights.

Other actions undertaken by the United Nations in the past have included the dispatch of United Nations special rapporteurs to monitor and report on abuses, the establishment of human rights field missions in trouble spots and the imposition of economic and political sanctions. In recent years the United Nations Security Council has created two international tribunals to bring to justice individuals responsible for acts of genocide and other crimes against humanity committed in Rwanda and the former Yugoslavia.

The United Nations International Criminal Court was another great achievement created to hold individual human rights abusers accountable and to fight vigorously to pursue justice for the individual victims of genocide, crimes against humanity and war crimes, even if it fell short of defining the mother of all crimes, the crime of aggression.

Despite all the existing legal instruments, there remains a widespread consensus on the necessity to cultivate a wider array of international human rights instruments, so as to improve the coordination of the activities of the various institutions and bodies active in the field of international human rights and to streamline the law-making process in order to avoid the apparent inconsistencies between the various treaties. In many instances compulsory measures of protection of human rights on the national, regional and international levels boil down to a mere reporting system. These procedures lack teeth because they can ultimately lead only to a conciliation attempt.

Another problem arises from the large number of various kinds of reservations entered by contracting States in their acceptance of their obligations under the various international human rights instruments. This tends to undermine their effective implementation and thus requires rectification.

Charles Habib Malik of Lebanon played a vital role in shaping the Universal Declaration of Human Rights while he was Rapporteur of the Commission on Human Rights and is credited with being the driving force behind the document's preparation. Mr. Malik believed the Universal Declaration of Human Rights to be more than a document of morally persuasive worth. In celebrating the adoption of the Universal Declaration, Mr. Malik said,

> "Whoever values man and his individual freedom above everything else cannot fail to find in the present Declaration a potent ideological weapon. If wielded in complete good will, sincerity and truth, this weapon can prove most significant in the history of the spirit."

To what extent the proliferation of international human rights documents at the global level has led to the emergence of an international customary law of human rights, binding upon all States, remains a matter of debate. Conflicting ideologies and interests and mutual distrust still impact on the assertion of customary natural law with reference to human rights. Agreement will be easier to reach and trust easier to build if we concentrate on common values and interests when upholding the rule of law, and avoid abusing international instruments of human rights in the pursuit of other political, economic or military objectives.

Mr. Gallegos (Ecuador) (*spoke in Spanish*): First, I wish to endorse the statement made by the delegate of Peru on behalf of the Rio Group.

On this special day, as we commemorate the adoption of the Universal Declaration of Human Rights in 1948 and the Vienna Declaration and Programme of Action adopted in Vienna in 1993, we are called upon to reflect on international efforts carried out by the entire international community to promote and protect human rights. But, of even greater importance, today we are to renew our commitment to the work that

remains to be done to ensure that human rights will be a reality in the lives of all peoples of the world.

The Universal Declaration of Human Rights, one of the most important documents in the history of mankind, has been an unprecedented landmark for world coexistence because it assumed a broader understanding of the significance of human dignity and of the need for human rights of all peoples to be respected throughout the world without distinction. Both the Declaration and the Vienna Declaration and Programme of Action have contributed to reaffirming that human rights are the basis for human existence and coexistence, and that human rights are universal, indivisible and interdependent, and that they are bound to the dignity of each person.

In this context and as a result of the adoption of the Universal Declaration of Human Rights, efforts by the international community since 1948 have been aimed at ensuring that the rights enshrined in this instrument, covering everyone on an equal footing without distinction as to race, sex, colour, language, religion, opinion, national or social origin, are reflected in an impressive number of international normative instruments. However, despite all of these efforts, full enjoyment of human rights continues to be merely a promise for millions of people in the world.

The unequal distribution of wealth, extreme poverty, discrimination and privileges for a few tend to generate political instability and outbreaks of war. The fact that there are refugees and forcibly displaced persons within their own countries reflects the inability of societies to resolve their problems peacefully. Violations of human rights and fundamental freedoms still prevail in many societies.

The problem of international migration is considered one of the major challenges facing the international community. To deal with this situation, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families was adopted. The election of the members of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families will be held tomorrow, and this is an important step in this area. From this rostrum, I wish to reiterate my invitation to all Members of the United Nations to sign and ratify this international instrument as we agreed in this very Hall.

It is an ethical and moral obligation to advance the cause of human rights and to protect the vulnerable peoples of the world. For that reason my people and my Government are convinced of the need to draft a convention to protect and promote the rights and dignity of disabled persons. As Chairman of the Ad Hoc Committee, I wish to invite all representatives to join efforts to ensure that such an instrument becomes a reality as soon as possible so as to ensure the full protection of the rights of the disabled.

A world society that does not the inclusion of all human beings in the world, be they women, indigenous people, children, the disabled, migrants and many, many more, will never be inclusive, comprehensive and complete. Discrimination on any grounds is completely unjustifiable, and the international community must put an end to it.

Ecuador has made a number of contributions to the development of international law in the area of human rights, and it is the first country of Latin America to have signed all international treaties on human rights agreed here at United Nations Headquarters.

In June 1998, Ecuador, after a lengthy process of consultation and debate among governmental institutions and civil society, adopted the first national plan for human rights as State policy. The national plan identifies the main sectors of Ecuadorian society that need particular attention and require efforts on the part of the State and civil society to find corrective measures and promote joint actions that will improve the conditions of those sectors, including women, children, families, the disabled, indigenous and Afro-Ecuadorian people, minorities, the elderly, detainees, foreigners, migrants and refugees. This national plan is one of the best tools for human development in Ecuador.

The Political Constitution of 1998 incorporated most of the international principles of human rights set forth in the international treaties, such as the universality, comprehensiveness and interdependence of human rights and the imprescriptibility of legal action against and punishment of crimes of genocide, torture, forced disappearance of individuals, kidnapping and murder for political reasons or for reasons of conscience. The Constitution establishes and grants civil, political, economic, social and cultural rights and spells out the situations in which there can

be no discrimination against the enjoyment of those rights.

Similarly, Ecuador signed the Rome Statute of the International Criminal Court in July 1998.

The celebration of the fifty-fifth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the Vienna Declaration and Programme of Action provide us with an opportunity to take stock of the past, to reflect on the way in which we must meet these challenges today and, above all, to look to the future. The persistent challenge of the international community is to translate the Declaration into an instrument that protects all human beings.

Allow me to reaffirm the commitment of my country to protect and promote human rights. It is the very basis for development and, in this context, economic development is an imperative, which will make it possible to ensure the dignity of all human beings.

Mr. Hannesson (Iceland): At the outset, let me, as previous speakers have done, give my congratulations to this year's well-deserving recipients of the Prizes in the Field of Human Rights.

Fifty-five years ago, the Universal Declaration of Human Rights marked the beginning of the important work of the United Nations in codifying and developing international human rights law. This is one area in which the United Nations has been successful. Although the Declaration was not originally thought to establish international legal obligations, it can now be persuasively argued that substantial parts of the Declaration have become part of customary international law and is binding on States.

The human rights instruments that followed the Declaration have led to enormous progress in spelling out obligations in this field. What has made the system weak, however, has been the lack of enforcement mechanisms. This has now been improved with the entry into force of the International Criminal Court. My country has high hopes that the Court will be a powerful tool for enforcement.

We are also celebrating the tenth anniversary of the World Conference on Human Rights, in which we declared all human rights to be universal. We also confirmed that respect for human rights and fundamental freedoms without distinction of any kind is a fundamental rule of international human rights law. Unfortunately, basic human rights, including political and civil rights, are breached in many parts of the world. Iceland recalls the importance attached to democracy as a means of safeguarding human rights. Furthermore, discrimination on the basis of race, colour, gender and religion continues all over the world. More rigorous efforts are needed to ensure human rights and to combat discrimination. No discrimination should be tolerated.

In Vienna, we underlined that the rights of women are an inalienable, integral and indivisible part of universal human rights. Nevertheless, discrimination against women remains widespread worldwide and violence against women is one of the most common and glaring human rights abuses, not only in times of war, but also in the domestic setting. Iceland is ready to join forces with others to find ways to address such problems through the United Nations system. We welcome the new initiatives that were taken during this session on domestic violence and the request for a study on violence against women to be submitted to the sixtieth session. It is regrettable that we were unable to reach a more comprehensive commitment to combat violence against women.

Last week we marked the International Day of Disabled Persons. Their rights need to be ensured. Iceland hopes for progress on the elaboration of an international convention on the protection and promotion of the rights and dignity of persons with disabilities.

The World Conference on Human Rights underlined the link between extreme poverty, development and human rights. On the positive side, we have managed to map out ways of approaching the challenge of development through the Millennium Declaration. On the other hand, progress towards achieving the goals set is very slow.

A worrying setback has been the stalling of the Cancún process aimed at creating a trading system that is fair to all. Many countries are committed to revitalizing those discussions. We in the Nordic countries — Denmark, Finland, Iceland, Norway and Sweden — have started talks in Geneva with a number of our African colleagues to share ideas on ways to push this process forward. It is important to keep in mind that human rights, development and security are intricately related, although, as the Vienna

Declaration and Programme of Action states, poverty cannot be an excuse for violating human rights.

In Vienna we acknowledged that the aim of terrorism is, among other things, the destruction of human rights. Since then, terrorism has emerged as one of the main threats to global security. Iceland welcomes the initiative of the Secretary-General to establish a panel to study global security threats. While combating terrorism, we must ensure that any measures taken comply with our obligations under international law, in particular international human rights, refugee and humanitarian law. We must uphold the rights of victims of war to be assisted by humanitarian organizations. Attacks on the personnel of humanitarian organizations, including the United Nations, are unacceptable. It is also important to remember that all parties to armed conflicts have rights under the Geneva Conventions of 1949 and international human rights law.

The proliferation and availability of weapons, not least small weapons, multiplies violence and suffering. Iceland supports the calls for an arms trade treaty to prevent arms being exported to destinations where they are likely to be used to commit grave violations of international human rights and humanitarian law. Iceland, together with other Nordic countries, has already signed a pledge along these lines in collaboration with the Red Cross.

Trade in devices that can be used in torture is also a matter of concern. We commend the work being carried out in a number of forums to set limits on trade in such equipment. Finally, in line with the commitment made at the World Conference, Iceland appeals to all Member States to review any reservations they have made to international human rights instruments, with a view to withdrawing them. This is particularly pertinent with regard to the Convention on the Elimination of All Forms of Discrimination against Women, and the Convention on the Rights of the Child. We should also continue to strive for their universal ratification.

Mr. Baatar (Mongolia): I have the honour, on behalf of the Government and the people of Mongolia to extend to the winners of the 2003 United Nations prizes in the field of human rights our warm congratulations and best wishes in their future endeavours for the noble cause of protecting and promoting human rights.

Today, we are gathered here to commemorate the fifty-fifth anniversary of the Universal Declaration of Human Rights and Human Rights Day. This year we are also celebrating the tenth anniversary of the World Conference on Human Rights, which adopted by consensus the Vienna Declaration and Programme of Action. The Government and people of Mongolia highly value the spirit, goals and principles enshrined in the Universal Declaration of Human Rights and attach high priority to its implementation.

My delegation fully shares the deep distress and anguish, expressed in his message by Mr. Bertrand Ramcharan, Acting High Commissioner for Human Rights, with the fact that human rights are grossly violated throughout the world because of poverty, violence, prejudice, armed conflicts, terrorism and bad governance. It goes without saying that the protection and promotion of human rights and fundamental freedoms are among the primary responsibilities of each and every State. Three years ago, our leaders solemnly declared in the Millennium Declaration that they would

> "spare no effort to promote democracy and strengthen the rule of law, as well as respect for all internationally recognized human rights and fundamental freedoms, including the right to development". (*A/RES/55/2, para. 24*)

Over the past years continued efforts have been made by Member States to protect and promote human rights, to strengthen the rule of law and to promote democracy at both national and international levels, but much more should done to attain the embodiment of the vision of the Universal Declaration of Human Rights. In this respect I wish to refer to the Fifth International Conference of New or Restored Democracies, held in Mongolia last September. Participants of the Conference recognized in the Ulaanbaatar Declaration and Plan of Action on Democracy, Good Governance and Civil Society that democracy, development and respect for human rights and fundamental freedoms are interdependent and synergistic. While the Ulaanbaatar Plan of Action provides for a number of measures towards protecting and promoting human rights, we are confident that the outcome of the Ulaanbaatar Conference and its follow-up activities will contribute to the course of strengthening and consolidating democratic processes and protecting and promoting human rights around the world.

In Mongolia, under the inspiration of democratic reform, which started in the early 1990s, an intensive process of legislative change has taken place to ensure the consistency of national law with international standards. The new Constitution adopted in 1992 integrated international human rights standards and became the key to the promotion of human rights and fundamental freedoms in the country. The adoption by the Parliament of the Law on the National Human Rights Commission and its establishment in 2001 has become an important step in promoting human rights at the national level.

My Government's commitment to human rights is further embodied in a number of national action plans, including the National Human Rights Plan of Action and the National Programme on Gender Equality. A wide range of civil society groups and non-governmental organizations are involved in implementing these plans and programmes, as well as in numerous events and activities organized in Mongolia every year to celebrate Human Rights Day nationwide.

But we are fully aware that greater efforts are needed to ensure that the goals of the Universal Declaration of Human Rights are realized for every individual in our country. My Government is committed to the fulfilment of human rights and improvement in the living standards for our people through its support of democracy and socio-economic development.

On this commemoration day, I wish to reiterate Mongolia's keenness to further strengthen its national human rights institutions and programmes, as well as to cooperate at the regional and international levels in building a world that lives up to the promises of the Universal Declaration of Human Rights.

Mr. Idoko (Nigeria): Nigeria wishes to congratulate the recipients of the Human Rights Award for the year 2003. The achievements of these recipients serve as an inspiration to us all. We also wish to pay tribute to the memories and the sacrifice of the late United Nations High Commissioner for Human Rights, Sergio Vieira de Mello and his colleagues.

Nigeria commends the United Nations for its invaluable role in the promotion on a global level, of human rights, freedom and equality, which constitute the fundamental values and principles of international relations.

As we mark the fifty-fifth anniversary of the Universal Declaration of Human Rights, my delegation feels obliged to touch on a number of issues relating to human rights. We do appreciate the difficulties and sometimes the dangers that human rights defenders grapple with in the course of their duties. In this regard, we identify with the concerns of human rights defenders for those in States which, under cover of security and internal regulations and legislation, deliberately frustrate the work of human rights defenders. While saluting their courage and commitment, we urge Member States to accord human rights defenders access and cooperation in carrying out their functions. We also encourage the human rights defenders to go the extra mile to allay the fears and suspicions of Member States.

Nigeria welcomes the promotion of human rights education through such institutions as the Subregional Centre for Human Rights and Democracy in Central Africa, under the aegis of the United Nations, as a veritable means of achieving goals of the Universal Declaration of Human Rights worldwide.

The Nigerian delegation identifies with the anxieties expressed concerning the negative effects of globalization on developing economies in Africa. In this regard, we welcome the report of the Secretary-General which points out that

> "the dominant trend today is to interpret global governance in such a way as to marginalize the role of the United Nations in favour of the international financial institutions". (*A/58/257/para. 49*)

Empirical evidence suggests that globalization has not adequately addressed the question of the human element and interdependency and has, by extension, failed to take cognizance of the right to employment.

Nigeria believes that rights embody freedom, dignity, equality and security for all peoples. The need to guarantee those rights cannot be overemphasized. A regime for that purpose is indeed imperative. Such a regime includes the promotion and sustenance of democratic governance, the rule of law, social and economic justice, transparency and freedom of expression. Today I am glad to note, the Nigerian people enjoy every form of freedom — freedom of political association, freedom of expression without fear of harassment or intimidation, freedom to pursue legitimate economic and social activities, and security

of life and property. Under the present democratic Government in Nigeria, there are no political prisoners. The Nigerian press enjoys unfettered freedom, and numerous privately-owned radio and television stations and newspapers. That freedom has certainly enhanced the system of checks and balances in both the public and private sectors.

The introduction of Shariah Law in Nigeria should be seen as an expression of the rights of the concerned Nigerian states to exercise the level of autonomy granted to them in the Nigerian Constitution. As a federation, the constituent states that make up Nigeria enjoy a considerable measure of autonomy which empowers them to make laws that govern them. The Shariah Law, as practised in the affected states, has provisions which ensure protection for accused persons against unjust or arbitrary punishment. If an accused person is found guilty, he or she has the right to appeal to a higher court. The accused Amina Lawal was not stoned to death because the Shariah Court of Appeal quashed the verdict of the lower court. It is important to note that since the introduction of Shariah Law in some states in Nigeria, no one has been stoned to death.

Nigeria's faith in freedom and democracy and its commitment to human rights explain why it granted political asylum to former President Charles Taylor of Liberia. The asylum granted to Mr. Taylor was a purely humanitarian gesture intended to put an end to the carnage that was going on in Liberia. It had become clear that Mr. Taylor's departure from Liberia was a sine qua non for peaceful negotiations to end the conflict in that country. Nigeria offered to make that important sacrifice in spite of enormous human and material costs, in order to save millions of Liberians from unnecessary misery and hardship.

As the world marks the fifty-fifth anniversary of the Universal Declaration of Human Rights, Nigeria feels compelled to comment on the Israeli-Palestinian situation and the plight of children and ordinary people in those two States.

There is no doubt that the years of recurring violence from both the Israeli and Palestinian sides have proved futile. If anything, the vicious cycle of violence has yielded a devious harvest of untold hardship, misery, despair, bitterness, frustration and, worse still, a stronger desire for more violence and vengeance. The real desire of both parties, which is freedom, security and peace, has not been achieved. The failure to achieve freedom, peace and security shows that violence, whether through suicide bombing or conventional warfare, is not the answer. The answer lies in dialogue and compromise, anchored on true faith in the right of all human beings to freedom, peace and security; not faith in hatred and the destruction of the other person.

Mr. Lamba (Malawi), Vice-President, took the Chair.

Nigeria wishes to use this opportunity to reaffirm its support for the road map and urges both Israel and Palestine to embrace dialogue and compromise and show more commitment to the realization of peace in the subregion, at least for the sake of the suffering children of Israel and Palestine.

Mr. Ozawa (Japan): On behalf of the Government of Japan, I would like to offer my heartiest congratulations to the distinguished individuals and organizations who have just been honoured with the United Nations prize in the field of human rights. I salute them for the great courage they have shown in promoting and protecting human rights and fundamental freedoms. The recognition today of their outstanding contributions will no doubt encourage many people all over the world, who are also fighting on a day-to-day basis, to gain more respect for human rights issues. I think that Mr. Sergio Vieira de Mello, the late United Nations High Commissioner for Human Rights, is watching us today. We have a responsibility to carry on with his work and further strive to promote and protect human rights all over the world.

Fifty-five years have passed since the Universal Declaration of Human Rights was adopted, and 10 years since the international community renewed its commitment to promote and protect human rights by adopting the Vienna Declaration and Programme of Action. While we have witnessed significant progress since then, we have to admit that grave human rights violations continue to take place in many parts of the world. The fact is, fundamental human rights are not acquired as a matter of course, but promoted only through determined and tireless efforts by individuals, civil society and States. Also, vigorous and continuing international cooperation is a prerequisite for enhancing human rights universally.

Japan attaches great importance to the role of the United Nations in establishing the universal standards

Agenda item 40 (*continued*)

Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance

Draft resolution (A/58/L.47)

(a) Strengthening of the coordination of emergency humanitarian assistance of the United Nations

Draft resolution (A/58/L.39)

(b) Special economic assistance to individual countries or regions

Draft resolutions (A/58/L.31/Rev.1, A/58/L.40, A/58/L.41, A/58/L.42, A/58/L.45 and A/58/L.46)

(c) Strengthening of international cooperation and coordination of efforts to study, mitigate and minimize the consequences of the Chernobyl disaster

Draft resolution (A/58/L.44)

(d) Participation of volunteers, "White Helmets", in the activities of the United Nations in the field of humanitarian relief, rehabilitation and technical cooperation for development

Draft resolution (A/58/L.43)

(e) Assistance to the Palestinian people

Draft resolution (A/58/L.33/Rev.1)

The President: Members will recall that the Assembly has already held a debate on agenda item 40 and its sub-items (a) to (e), and that it adopted three resolutions under this item at its 69th meeting, on 5 December 2003.

I give the floor to the representative of South Africa to introduce, on behalf of the Group of African States, draft resolutions A/58/L.31/Rev.1, A/58/L.40, A/58/L.41 and A/58/L.45. The President respectfully suggests that the statement of the representative of South Africa be listened to in silence.

Mr. Oosthuizen (South Africa): I have the honour, as Chairman of the Group of African States for the month of December, to introduce for consideration by the General Assembly the following draft resolutions under sub-item (b) of agenda item 40, entitled "Strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special economic assistance [to individual countries or regions]".

I will start with draft resolution A/58/L.31/Rev.1, entitled "Special assistance for the economic recovery and reconstruction of th. Democratic Republic of the Congo". I would like to announce that, since the publication of the draft resolution, the following countries have become sponsors of the text: Luxembourg, Germany, Sweden and Ireland.

That draft resolution is being submitted under sub-item (b) of agenda item 40, concerning the strengthening of the coordination of humanitarian and disaster relief assistance of the United Nations, including special assistance to individual countries or regions, pursuant to the report of the Secretary-General contained in document A/58/273, which describes the assistance to the process of the economic revival and reconstruction in the Democratic Republic of the Congo by the United Nations system, as well as by other development partners, by supporting the rehabilitation, reconstruction and reunification of the country.

The signing of the final act of the inter-political negotiations on 2 April 2003 in South Africa offers encouraging prospects for a peaceful resolution of the country's political crisis, providing the possibility for some activities of the United Nations system.

As Member States are aware, this draft resolution has now been introduced for a few years. However, despite recent positive developments, the overall situation that necessitated this text during previous years continues to prevail. The aftermath of armed conflict, combined with the structural imbalances in the economy, have kept the majority of the Congolese people in vulnerable and difficult circumstances, particularly regarding their humanitarian situation.

Currently, the Democratic Republic of the Congo is not in a position to meet all its challenges in, among other things, consolidating peace, accelerating economic activities and fighting poverty in general, without the valuable support of the international

and norms in the field of human rights. Japan has already ratified six principal international human rights instruments, and it welcomes the decision to establish a working group to draft an international convention on the promotion and protection of the rights of persons with disabilities. We are ready to participate actively in that process.

Japan will continue to support the United Nations High Commissioner for Human Rights, a post that was established 10 years ago. We do hope and expect that the Office of the High Commissioner will pursue its work vigorously.

The Government of Japan firmly believes that human rights are universal values, and thus, must be promoted and protected in every part of the world. Accordingly, while each State has the primary responsibility for guaranteeing the human rights of its people, the human rights situation in any individual State should be a legitimate concern of the international community as a whole.

In our attempts to address actual human rights issues in certain States, we believe that it is necessary for us to promote mutual understanding, taking into account the specific situation of each State. With that conviction, Japan has placed great importance on dialogue and cooperation as a means of improving human rights situations in an effective and practical way.

On this commemorative and celebratory occasion, we believe that it is important for all of us to renew our recognition that respect for human rights and fundamental freedoms is indispensable to realizing world peace and prosperity. I would like to conclude my statement by reaffirming that Japan is committed to making every effort, in close cooperation with the United Nations and the international community, to promote and protect human rights and fundamental freedoms.

Mr. Kim Sam-hoon (Republic of Korea): On this day, as the General Assembly winds down to the final weeks of its regular session and prepares to bid farewell to a tumultuous year with many ups and downs, we have an opportunity to reaffirm our unity under an abiding goal of the United Nations. Today we celebrate the progress made, with the United Nations in the lead, in promoting and protecting human rights around the world, and ponder the future direction in which the work should continue.

In particular, on this day, the fifty-fifth anniversary of the Universal Declaration of Human Rights, the tenth anniversary of the Vienna Declaration and Programme of Action and the tenth year of existence of the post of the United Nations High Commissioner for Human Rights, we have welcomed to this honoured Hall the recipients of the United Nations prize in the field of human rights of 2003.

On behalf of the Government of the Republic of Korea, I join the previous speakers in offering my heartfelt congratulations to the five award recipients for their accomplishments to date in advancing human rights around the world. But recognition and thanks mean greater responsibility. As befitting the loftiest of prize-winners, I trust that today's honourees will receive their award as a solemn token of encouragement to redouble their commitment and to pioneer further inroads for human rights in their respective areas of focus.

I should also like to pay tribute once again to Mr. Sergio Vieira de Mello, who made the ultimate sacrifice while in the line of duty, and who we honour today with a special posthumous award. The recognition, I believe, is not only a most deserved honour for the late High Commissioner for Human Rights, but also an expression of the unshakeable resolve that the United Nations, no matter how tough the challenges and difficult the circumstances, will carry on in its mission to enable people everywhere to live with dignity in freedom, equality and non-discrimination. We commend you, Mr. President, and other members of the selection committee, for the outstanding choices made.

As the rich profiles of today's award recipients indicate, the endeavours to promote and protect human rights around the world remain as diverse and energetic as ever, and necessarily so. While the advances for human rights during the past half century, especially in terms of the global norms and institutions adopted, have been one of the proudest accomplishments of the United Nations, we have yet to attain our abiding goal of universal respect for and observance of human rights and fundamental freedoms for all, as set out in the Charter of the United Nations.

In the face of persistent conflict, political oppression, poverty, and HIV/AIDS and other diseases, a large part of humanity continues to be denied their human dignity and rights. Meanwhile, in these early

community. In a nutshell, that is what the draft resolution is trying to secure. A show of solidarity is therefore very important. In that regard, the Secretary-General rightfully stated in his report that the encouraging developments in the national context have created the prospect of emergence from the crisis, but that lasting recovery will require the support of all development partners to assist the Democratic Republic of the Congo in its efforts to restore peace and security, bring emergency aid to people in need and embark on the process of economic recovery and reconstruction. In that spirit, and as in previous years, I hope that this draft resolution will be adopted by consensus.

I also have the honour, on behalf of the Group of African States, to introduce draft resolution A/58/L.40, entitled "Assistance for humanitarian relief and the economic and social rehabilitation of Somalia". This draft resolution is sponsored by 84 Member States, and I take this opportunity to thank them for their support. I should also like to announce that, since the publication of the draft resolution, the following countries have become sponsors: Norway and Ireland.

The draft resolution under consideration reinforces General Assembly resolution 47/160, of 18 December 1992, and subsequent relevant resolutions, in particular resolutions 56/106, of 14 December 2001, and 57/154, of 16 December 2002, calling for the delivery of emergency humanitarian assistance and the economic and social rehabilitation of Somalia.

The conditions that prompted the General Assembly to adopt the resolutions that I just mentioned continue to persist, and are exasperated by the lack of peace in many areas of Somalia. Furthermore, the recurrence of drought in Somalia, with devastating effects, underlines the urgent need for humanitarian and relief assistance for Somalia. Currently there is a major drought in Somalia, with a high livestock mortality rate of over 80 per cent and the concomitant high risk of starvation of Somali nomads. The prevailing drought situation places serious constraints on the already fragile economy of Somalia. In fact, there are very serious concerns that the current situation may result in the collapse of the Somali economy, which is mainly based on the export of livestock.

As members are aware, the economy and social infrastructure of Somalia have been severely damaged by the long years of civil war. There is an urgent need for assistance in the rehabilitation of the economic and social base of Somalia. Such rehabilitation will facilitate the delivery of much-needed services to the Somali people, and it could also serve as a peace dividend and enhance any transition to peace in Somalia.

Draft resolution A/58/L.40 notes the linkage between the search for peace and the alleviation of the humanitarian crisis in Somalia and, in that regard, welcomes the Secretary-General's continuous efforts in the search for peace, and reiterates firm support for the ongoing peace process for Somalia being led by the Intergovernmental Authority on Development. The draft resolution further commends the United Nations for its role in developing mechanisms for the implementation of relief, rehabilitation and reconstruction programmes for Somalia, and underlines the urgent need for putting in place practical measures aimed at eliminating the consequences of the drought. It also urges all Somali parties to respect the safety and security of the personnel of the United Nations and non-governmental organizations and to guarantee their complete freedom of movement and safe access, an important condition for the timely delivery of humanitarian assistance.

The draft resolution calls on the Secretary-General to continue mobilizing international humanitarian, rehabilitation and reconstruction assistance for Somalia and, in that regard, urges the international community to continue to contribute to the United Nations 2004 Consolidated Inter-Agency Appeal, as well as to the United Nations Trust Fund for Peace-Building in Somalia. Finally, the draft resolution requests the Secretary-General to take all necessary measures for the implementation of the present resolution and to report to the General Assembly at its fifty-ninth session.

It is our wish that draft resolution A/58/L.40 be adopted by consensus.

I also have the honour, on behalf of the Group of African States as well on behalf of the other sponsors, to introduce draft resolution A/58/L.41, entitled "Economic assistance for the reconstruction and development of Djibouti", which provides a glimpse of that country's need for continued special economic assistance.

In its preambular paragraphs, the draft resolution notes that Djibouti is included in the list of least

years of the twenty-first century, the scourge of terrorism and its pernicious impact on safety and security pose a new set of challenges to the efforts to protect and promote human rights. Furthermore, as the physical and psychological conditions for daily life around the world constantly evolve in the process of globalization, human rights thinking and advocacy necessarily have to adapt and grow with the changing circumstances.

In other words, this is no time to slacken. Instead, the commitment to the work of promoting and protecting human rights must be reaffirmed at all levels. And while the efforts should reflect the realities of new developments in the twenty-first century, there are, I believe, some basic tenets that we must adhere to.

First, the indivisibility, interdependence and interrelatedness of all human rights should be more closely reflected in action. All rights — civil, political, economic, social and cultural — should be promoted in a comprehensive, integrated manner. The entry point or focus may vary, depending on local realities or available resources, but the overall direction must be the promotion of all human rights.

Secondly, the interdependence between human rights, democracy and development, made explicit in the 1993 Vienna Declaration and Programme of Action, is as valid today as it was 10 years ago. In our efforts to achieve the Millennium Development Goals and to strengthen democracy and democratic governance around the world, a human rights track must be an integral part of the road to success.

Thirdly, our aim must be the further enhancement of the human rights standards we have achieved so far at the national, regional and international levels. Whether we are dealing with women's rights, children's rights, the elimination of discrimination in all its forms, or other rights issues, the steps we take must be forward rather than backward.

Based on these principles, the Republic of Korea remains fully committed to efforts of the United Nations to promote and protect human rights and fundamental freedoms. Five years from now, we hope to see concrete progress made along these lines, when we celebrate the sixtieth anniversary of the Universal Declaration of Human Rights and the next awards of the Human Rights prize.

Mr. Chaimongkol (Thailand): Thaila welcomes this opportunity to join the internatio community today, Human Rights Day, commemorating the fifty-fifth anniversary of Universal Declaration of Human Rights. I wish congratulate the recipients of the 2003 Human Rig prizes and pay tribute to others who work for the ca of human rights, including the late High Commissio for Human Rights, Mr. Sergio Vieira de Mello, wh outstanding contribution truly deserved recognition, again, today.

Indeed, this year is of a particular significan for it also marks the tenth anniversary of the adopt of the Vienna Declaration and Programme of Act and the establishment of the High Commissioner Human Rights. And today, 10 December, is particular importance to the Thai people as commemorates our Constitution Day — the day country's first Constitution was promulgated unde constitutional monarchy 71 years ago.

Since its adoption in 1948, the Univer Declaration of Human Rights has inspired and bee basis for further advances of international standa and norms for the promotion and protection of rights for all peoples. A number of internatio instruments have been elaborated and import progress made in promoting the universal recognit of human rights and fundamental freedoms, includ the right to development. In particular, the rights vulnerable and marginalized groups of people, such women, children, persons with disabilities, and th living with HIV/AIDS, have been more broa recognized. Recently, significant progress has b made towards an international convention to prot and promote the rights of people with disabilities. this regard, Thailand strongly hopes that the Gene Assembly will soon heed the recommendation that negotiations on the draft convention be started dur the current Assembly session.

Despite such progress and consistent reiterat of commitments, however, human rights violati continue unabated in many parts of the world. Milli of people remain direly in need of being free from f and want. Poverty, underdevelopment, hung diseases, discrimination, conflict, transnatio organized crime and terrorism, to name just a few, p tremendous challenges to the realization of hun rights and human security. These challenges and ot

causes of human rights violations must be addressed with vigour and full respect for human rights.

Actions to promote and protect human rights and fundamental freedoms must be taken at all levels, in a holistic manner and with concerted efforts from various stakeholders, including Governments, the United Nations, multilateral organizations and non-governmental organizations. The Vienna Declaration and Programme of Action provides a comprehensive framework for policies and actions in this regard.

Governments clearly have a primary responsibility in the promotion and protection of human rights and fundamental freedoms at home. National human rights institutions and a thriving and socially responsible civil society can also play an important role in broadening awareness and enhancing transparency and accountability in the observance of Governments' obligations under both domestic laws and international instruments.

For Thailand, our commitment to human rights is not only reflected by our support for the adoption of the Universal Declaration of Human Rights 55 years ago and of the Vienna Declaration and Programme of Action 45 years later. Over the years, we have made incessant efforts in promoting human rights and fundamental freedoms, strengthening democracy, the rule of law and good governance and improving the well-being of people. We have also become a State party to five key international human rights instruments. We have done so and will continue to do so based on our own conviction that human rights, democracy and development are interrelated and mutually reinforcing.

Today, the human rights and fundamental freedoms of the people of Thailand are guaranteed by our present constitution, which was drafted with the participation of the population, from every part of the country. People are placed at the centre of national development policies and efforts, with the recognition that their right to development is inalienable and integral to all other human rights. Our independent national human rights mechanisms, including the National Human Rights Commission and our civil society, continue to play a meaningful role in the advancement of human rights.

Dialogue and cooperation at regional and international levels also make important contributions to the cause of human rights. With this in mind, Thailand participates in a number of human rights dialogue and supports the establishment of an Association of South-East Asian Nations (ASEAN) human rights mechanism. Last May, the Thai National Commission on Human Rights and the Working Group of Thailand for an ASEAN Human Rights Mechanism co-hosted the Third Workshop on the ASEAN Regional Mechanism on Human Rights, involving participants from Governments, civil society and academia from South-East Asian countries. Thailand will remain active in this endeavour.

At the international level, the United Nations remains a key actor in the promotion and protection of human rights worldwide. With its global outreach, the United Nations has also assisted Governments and peoples towards the realization of human rights. In this regard, it remains incumbent upon us Member States to do what we can to further strengthen the sanctity and efficacy of what we have agreed upon, including the various human rights resolutions. It is also incumbent upon us to support the effective and valuable work of the United Nations, including that of the Office of the United Nations High Commissioner for Human Rights.

Before concluding, I would like to stress that, ultimately, for efforts to promote and protect human rights to be effective, it is imperative that respect for human rights be cultivated among individuals at the grassroots level. People should be conscious of their rights and freedoms as well as those of others. It is not enough to talk about respect for human rights, democracy and tolerance among officials, politicians and diplomats. The culture of human rights must be nurtured among people in communities, particularly among children, both at home and in schools; hence the crucial role of human rights education. Recognizing this, Thailand has adopted the National Plan on Human Rights Education for the period 1999 to 2008, which provides for the mainstreaming of human rights into the work of public agencies and into the educational system at all levels. We will join the international community in marking the conclusion of the United Nations Decade for Human Rights Education next year.

Human rights are not merely ideals to aspire to, but inherent rights which people are entitled to enjoy. We, as Members of the United Nations, should all act on the pledges we have made to alleviate the hardships and suffering of the people of present and future generations and enable them to enjoy their rights and

dignity. Thailand will do its part in the advancement of this noble cause to promote human rights for all.

Mr. Wenaweser (Liechtenstein): I wish to first pay tribute to Sergio Vieira de Mello, the late High Commissioner for Human Rights, who was an outstanding advocate for the rights of individuals worldwide and whose dedication to the ideals of the United Nations brought him to a tragic death on 19 August this year. We all very much miss his exemplary spirit and skills. I would also like to extend our congratulations to the individuals and organizations who today received the United Nations prizes in the field of human rights and to thank them for their work and their commitment to the cause of human rights.

The fifty-fifth anniversary of the Universal Declaration of Human Rights coincides with the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action. These two landmark texts are inextricably linked. Fifty-five years ago, the principle of the universality of human rights was established in the Declaration, and the Vienna Declaration and Programme of Action reaffirmed and expanded the concept.

The Universal Declaration has become part of customary law and one of the most important texts this Organization has ever adopted — with a strong impact on the lives of individuals worldwide. This is not to say that the rights provided for in the Declaration have been granted to every individual worldwide — quite the contrary, some of these rights are being jeopardized on a regular basis, and basic human rights and fundamental freedoms are being violated with disturbing frequency. The main task we have to tackle is, therefore, the gap between the universal human rights standards we have established in the Declaration and subsequent legal instruments on the one hand, and their implementation on the other hand.

Something quite similar could probably have been said more than ten years ago, on the eve of the World Conference on Human Rights in Vienna. Back then, we already had the standards but were falling short of implementation. The World Conference addressed the challenge in a creative way and gathered new political will for implementation. The Vienna Declaration states prominently that "all human rights are universal, indivisible and interdependent and interrelated" and that all human rights must therefore be treated "on the same footing" and "with the same emphasis". Ten years later, we still haven't fully lived up to those principles. We must understand that enhancing the implementation of one human right has a positive impact on the enjoyment of others, indeed of all human rights, and that all human rights are equally important.

And, we must not only understand this approach, but also act accordingly. In this respect, the current work of the Commission on Human Rights and the Third Committee of this Assembly, the two primary United Nations bodies dealing with human rights, is not very encouraging. Much of the spirit of Vienna has been replaced by a relapse into procedural battles, short-sighted pursuit of national interests and lack of genuine dialogue. To mention but two examples: The Vienna Conference forged a consensus on the right to development — for the first time — as a universal and inalienable human right and an integral part of fundamental human rights. After Vienna, however, we gradually moved away from this principle, and we find ourselves even further away from the implementation of the right to development. Regrettably also, the consensus on the issue of racism that was achieved in Vienna was lost thereafter, and we must strive to bring it back to the human rights discourse as soon as possible.

The Vienna Conference placed human rights at the core of the United Nations agenda and established a clear link between democracy, development and respect for human rights. The promotion and protection of human rights has thus an immediate impact on democracy and development, and we must remind ourselves of that connection in our debates on numerous issues before us. We have to emphasize that existing human rights law strikes a balance between the legitimate security interests of States and the respect for human rights. Human rights are not a luxury that we can afford in good times and dispense with in difficult ones — such as in times when cooperation to fight terrorism is high on our common agenda. Human rights are rather an indispensable element of the foundation which this Organization has created to work towards our common goals, contained in the most concise way in the Millennium Development Goals. Compromising on human rights is thus tantamount to a setback in the advancement towards our overall and long-term goals.

The Vienna Declaration and Programme of Action is a remarkable document that is as worth

reading today as it was ten years ago. It must continue to be the basis of our work to advance implementation. Let me therefore, to conclude on a positive note, single out two outstanding achievements that are linked to or directly flow from the Vienna Conference. The creation of the post of High Commissioner for Human Rights has given increased prominence to human rights issues and helped raise awareness worldwide. We very much look forward to the appointment of a new High Commissioner to continue the invaluable work carried out by his or her predecessors. Finally, while the issue of impunity was dealt with only in a rather general manner in Vienna, the international community has since established the International Criminal Court, the biggest contribution ever made to the fight against impunity. We continue to give the strongest possible support to this new institution, which is an institution of historic relevance to the cause of human rights.

Mr. Siv (United States of America): Today we remember important milestones on the path of advancing human rights internationally. We commemorate the fifty-fifth anniversary of the Universal Declaration of Human Rights, and the tenth anniversary of the World Conference on Human Rights and the establishment of the post of the United Nations High Commissioner for Human Rights.

We salute the recipients of the United Nations Prize in the Field of Human Rights for their valuable work. We also pay tribute, with great respect and with much sadness, to the late High Commissioner for Human Rights, Sergio Vieira de Mello.

There have been great advances in the field of human rights since 1948. While we recognize progress, we also see the need for further concerted work to combat human rights violations.

The United States is committed to the idea that active support for human rights must be at the top of the international agenda. The defence of liberty is both an expression of our ideals and a source of strength that we have drawn on throughout our history. In his proclamation of Human Rights Day and Human Rights Week in the United States, President George W. Bush said:

> "Today, countless people around the world cannot exercise their basic human rights. America has pledged to support all individuals who seek to secure their unalienable rights. Across the globe, we will continue to stand with those who fight for fundamental freedoms ..."

We will continue to work to protect human dignity and to advance the rule of law and Government accountability. We will continue to work to promote freedom of speech and freedom of religion, equal justice, respect for women, and religious and ethnic tolerance. While respecting other nations' traditions and values, we will advance the principle of respect for democracy and human rights — rights cherished by the American people and rights to which people everywhere aspire. It is our fundamental belief that human rights are universal. They exist in every corner of the world, in every culture and in every religious tradition.

In light of our own historical longstanding and deeply felt commitment to human rights, we will continue to work with Governments and people around the world, including through the United Nations system, to protect and ensure the human rights of all people.

Mr. Sharma (Nepal): I am delighted to see you, Sir, in the Chair. Let me congratulate the winners of the human rights prizes today, for their outstanding contributions to the protection and promotion of human rights. The prize winners have shown how each one, through commitment and dedication, could make a difference in the lives of millions of people. Their excellent examples should inspire millions around the world to resolutely engage in helping those who need it most.

The United Nations deserves our appreciation for establishing the human rights award and recognizing the work of those who relentlessly devote themselves to the promotion and protection of human rights.

This day marks the fifty-fifth anniversary of the Universal Declaration of Human Rights, Human Rights Day and the tenth anniversary of the Vienna Declaration and Programme of Action. This joint debate, therefore, could not have been more timely. I thank the President and the Vice-President of the General Assembly for scheduling this agenda item in such an excellent manner.

Human dignity and liberty are invaluable in their own right. At the same time, they are a means to help humanity rise to its fullest potential. Since its very inception, the United Nations has been undertaking

strenuous efforts to strengthen those rights. Indeed, the United Nations has been at the forefront of helping nations to protect and promote human rights around the world.

The United Nations Charter upholds human rights, including the dignity and worth of the human person, equal rights of men and women, the promotion of social progress and better standards of life for all.

The Universal Declaration of Human Rights constitutes a set of common standards of achievement for all peoples and nations. Over time, we have witnessed an evolution of individual political rights, economic, social and cultural rights and, of course, the right to development.

The Vienna World Conference on Human Rights was an important milestone in our collective quest for the promotion and protection of human rights in a systematic and sustained manner. A number of international human rights instruments have been adopted to give effect to those rights. Monitoring and implementation mechanisms at national, regional and international levels are vital to that process. Over time, they have been significantly institutionalized. The human rights treaty bodies, intergovernmental bodies at the international level, national legislation, independent judiciaries, national human rights commissions and law enforcement agencies at the national level have all played a very important roles in implementing human rights instruments.

Indeed, the result of all those efforts has been spectacular. Today, more people living under democratic systems enjoy more human rights and freedoms in the world than ever before. The right to equality and the right to self-determination have made significant progress, and the rule of law has become the basic tenet of human rights.

Exploitation, slavery and serfdom have become unacceptable to civilized nations. Men and women, boys and girls, elderly and disabled persons have all now become the subject of human rights laws. Rights of minorities and ethnic and indigenous people have also been embodied in the entire framework of human rights. Yet, there is a long way to go. Millions of people in the world have yet to see the light of human rights shine in their daily lives. Conflicts and terrorism have deprived people of their human rights and freedoms in many lands. Most people in developing countries have not been in a position to exercise their human rights and fundamental freedoms because poverty, illiteracy and disease constrain their ability to do so.

In that context, the challenge before the international community is twofold — to ensure human rights and fundamental freedoms for those who do not have any, and to expand the scope and depth of those rights and freedoms for those who posses few such rights and freedoms. Now is the time for reflection on the progress we have made so far, and for redoubling our collective efforts for the better protection and promotion of human rights for all.

There is the need to enhance the partnerships between Governments and non-governmental organizations, the business community, civil society and humanitarian agencies in implementing policies and programmes aimed at promoting and protecting human rights. All the stakeholders will have to work together to promote all universally recognized human rights in a spirit of cooperation. We ought to desist from unnecessarily politicizing human rights issues and from letting one stakeholder undermine the other. We also need to agree on measures to streamline the human rights reporting requirements that have been a tremendous burden for a number of small, poor countries.

Nepal believes in the inherent dignity and equal and inalienable rights of all, as the foundation of freedom, justice, and peace. We in Nepal have an abiding commitment to protect and promote the human rights and fundamental freedoms of all people. Nepal is party to several international human rights treaties and has submitted its reports on the implementation of such instruments to the concerned human rights treaty bodies.

The Constitution of the Kingdom of Nepal of 1990 guarantees human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. It also guarantees freedom of opinion and expression, freedom to assemble peacefully and unarmed, freedom to form unions and associations and freedom of movement, industry and trade. The independence of the judiciary and the rule of law are an integral part of the Constitution. The National Human Rights Commission, the National Women's Commission and other agencies have been actively involved in monitoring the implementation of human rights law. The Government has recently

established a national human rights promotion centre, to coordinate human rights activities in the country.

At a time when we were making major strides in letting democracy take root, human rights and freedom flourished, and economic growth and sustainable development accelerated. The self-proclaimed Maoists, through their violence, have caused a major setback to our progress. The insurgents who are out to destroy democratic Governance have brought enormous misery and untold suffering to people. His Majesty's Government is committed to finding a political settlement to the conflict, but the Maoists have time and again displayed their disdain for such a solution.

Nepal needs assistance from the United Nations and the world community at large to protect the life and liberty of the people and to provide basic services to the people in the Maoist-affected areas. These needs are in addition to our development requirements to reduce poverty, to attain a higher level of sustainable development, as well as to implement the human rights action plan.

Many other developing countries, I am sure, are in a similar predicament. We must, therefore, find together the way to tackle conflicts and poverty without which no real protection and promotion of human rights and fundamental freedoms could be possible.

The world has resources to achieve these goals. We need the political will to realize the ideals and goals that run through the United Nations Charter, the Universal Declaration of Human Rights, the international human rights instruments and the Vienna Declaration and Programme of Action.

Mr. Laurin (Canada): On behalf of Australia, New Zealand and Canada, I am pleased to join other speakers before me in participating in this debate to celebrate the fifty-fifth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action.

First, I would like to congratulate the organizations and individuals who today received the United Nations Prize in the field of human rights. While it is Governments that have the legal and ultimate responsibility to ensure that human rights are respected and promoted, it is individuals and organizations like those whose commitment was honoured this morning that are the motors behind the advancement of human rights.

On this day, it is also fitting to pay tribute to all those who have died defending human rights around the world, including peacekeepers, humanitarian workers, military personnel, members of civil society, Government representatives, journalists and many others. We would like to pay tribute in particular to the achievements and dedication of the late High Commissioner for Human Rights, Sergio Vieira de Mello.

International Human Rights Day commemorates the great legacy of our predecessors, the adoption of the landmark Universal Declaration of Human Rights by the United Nations General Assembly on 10 December 1948. The six major conventions forming the core of international human rights law, to which Australia, Canada and New Zealand are all parties, and the elaboration of specific standards for women, children, disabled persons, minorities and other vulnerable groups, attest to the great progress achieved since.

In 1993, on the occasion in Vienna of the World Conference on Human Rights, all Member States of the United Nations reaffirmed their commitment to the promotion and protection of all human rights and fundamental freedoms and reaffirmed that human rights are universal, interdependent, interrelated, and indivisible. The dialogue of our three countries over the past 10 years has been grounded in this commitment.

(*spoke in French*)

We very much appreciate the important efforts of the Office of the High Commissioner for Human Rights, and in particular the commitment and leadership demonstrated by the Acting High Commissioner, in what can only be considered to have been a very difficult year.

The advancement of human rights is a guiding principle in the foreign policies of Australia, New Zealand and Canada. We believe that the standards of human rights laid down in the United Nations Charter and the Universal Declaration of Human Rights should be applied uniformly around the world, and we have worked tirelessly for the past 55 years to promote this goal through all available means. We will continue to do so.

Canada is proud to have played a significant role in the development of a human rights framework, from the role played by diplomat John Humphrey in designing the Universal Declaration in 1948, to its support in the creation of the position of United Nations High Commissioner for Human Rights in 1993, to its participation in the establishment of the International Criminal Court in 2002.

However, International Human Rights Day is not just a time for congratulations. It is a reminder of all the work that remains to be done to ensure that the human rights and fundamental freedoms of all people are respected. It is an invitation to all countries to examine their own human rights situations since in still too many places, human rights are violated.

More important yet, International Human Rights Day is an occasion for Member States to renew their commitment to fulfil their obligations to respect human rights and fundamental freedoms. We must continue to be vigilant and spare no effort in this regard, even in the most challenging circumstances. We must ensure that our common efforts to combat terrorism respect human rights and fundamental freedoms. We must ensure that there is no impunity for serious violations of human rights and prevent such violations from occurring in the first place.

Let us rise to the challenge. We possess all the tools necessary to fulfil this task and duty. We must put them to good use and implement the principles and values that we all adhere to.

The Acting President: In accordance with the decision taken by the General Assembly at its thirty-second plenary meeting on 15 October 2003, I now call on the Observer of the Holy See.

Archbishop Migliore (Holy See): On behalf of my delegation, I wish to congratulate the recipients of the United Nations Prize in the field of human rights.

My delegation is pleased to join the observance of the fifty-fifth anniversary of the promulgation and adoption of the Universal Declaration of Human Rights. This extraordinary development in the protection of fundamental human rights was based on the greatest traditions of the *jus gentium* — the Law of Nations — which is founded upon the objective moral order as discerned by right reason.

The principle of right reason is at the core of natural law, which has inspired and continues to give vitality to the Universal Declaration. Eminent scholars have noted the inextricable connection between natural law and the reality that all human rights and fundamental freedoms of the human person and of peoples are inalienable.

When we examine the Charter, we come to realize all the more the nexus between the United Nations and the Universal Declaration of Human Rights, one of the most precious and important documents in human history.

The medieval canon lawyers and the gallant legal commentators of the sixteenth century, like Vitoria and Suarez, had already developed precedents for the basic principles of human rights that flow from the primacy and dignity of the human person. These rights are not a creation of the State but flow from the character and nature of humanity itself. In fact, we do not have to go very far to see the impact the Universal Declaration of Human Rights has had on so many resolutions promulgated by the General Assembly. Similarly, the Declaration has had a positive impact on national constitutions and other basic laws that have been drafted over the past several decades.

In identifying certain fundamental human rights which are common to every member of the human family, the Declaration has decisively contributed to the development of international law. Moreover, it has resolutely challenged those laws which have denied men and women the dignity to which they are entitled because of who they are. Sadly, the fundamental rights proclaimed, codified and celebrated in the Universal Declaration of Human Rights are still the object of severe and constant violations.

But there are other challenges to the proper implementation of human rights. For example, there is the tendency of some to choose self-serving rights. In some circumstances, what is inalienable to some human beings, is simultaneously denied to others. A case in point would be the denial of the most fundamental human right, that is the right to life itself, from which all other rights naturally and logically flow. Such practices threaten the integrity of the Declaration. Any doubt cast on the universality or existence of non-derogative norms would undermine the whole edifice of human rights.

While there is a growing trend to take a selective approach to human rights, my delegation wishes to uphold the original vision of the Declaration — a

vision in which political and civil rights are indispensable for social and economic justice, and vice versa. In this era of rapid globalization, when poor countries are facing the daunting challenge of addressing socio-political and economic instability, the international community must keep striving to bring together the two halves of the divided soul of the human rights project — its resounding affirmation of freedom and its insistence on one human family for which all bear a common responsibility. In fact, one of the greatest threats today to the integrity of the universal rights enshrined in the Declaration comes from exaggerated individualism that often leads the stronger to lord it over the weak. And that is repugnant to the Declaration and to the fundamental rights which it promotes and protects.

To accept universal principles does not mean they must be brought to life in the same way everywhere. Universality need not entail homogeneity. Indeed, the framers of the Universal Declaration of Human Rights contemplated a legitimate pluralism in forms of freedom. As an eminent scholar once put it, "there can be many different kinds of music played on the Declaration's thirty strings". It is unfortunate that this pluralist understanding is often forgotten, even by friends of the human rights project.

The world in which we live today exists under the shadows of war, terrorism, and other threats to human survival and to the innate dignity of the human person. At the source of many of those shadows lies a denial of some of the universal rights. Ironically, it is human beings who cast those shadows. Yet, we have also been given wisdom to use the light of right reason to dispel them. The noble principles contained in the Universal Declaration of Human Rights will enable us to achieve that goal of a bright future for all, not just for some of the human family.

During this anniversary year of 2003, we still need to ask the question: What has happened to everyone's right "to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized"? (*Universal Declaration of Human Rights, article 28*)

The dignity, freedom and happiness acknowledged by the Declaration will not be fully realized without solidarity among all peoples. Inspired by the example of all those framers of the Declaration who have taken the risk of freedom, can we not recommit ourselves also to taking the risk of solidarity — and thus the risk of peace?

Although the Universal Declaration of Human Rights is now 55 years old, much of its promise remains to be fulfilled. However, it still is, in the words of Pope John Paul II, "one of the highest expressions of the human conscience of our time" and "a real milestone on the path of the moral progress of humanity". My delegation is convinced that the Declaration will continue to stand as a beacon for humanity's long journey towards a more free, just, and peaceful society.

The Acting President: We have heard the last speaker for these commemorative meetings.

I now declare concluded the commemorative meetings devoted to the observance of the fifty-fifth anniversary of the Universal Declaration of Human Rights and the tenth anniversary of the adoption of the Vienna Declaration and Programme of Action, under agenda items 48 and 117 (d).

May I take it that it is the wish of the General Assembly to conclude its consideration of agenda item 48?

It was so decided.

The Acting President: The General Assembly has thus concluded this stage of its consideration of agenda item 117 (d).

The meeting rose at 5.05 p.m.